

**Remarks**

**Summary of Office Action**

Claims 17-19, 21-23, and 25-28 stand rejected under 35 U.S.C. § 112 second paragraph as being allegedly indefinite. Claims 14-20, and 22-27 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lescuyer et al., European Patent No. 1257141 (“Lescuyer”).

**Applicants’ Response**

Applicants have amended claims 14, 17-19, 21-23, and 26-28 to better clarify the invention.

Applicants respectfully traverse the rejections for the following reasons.

**35 U.S.C. § 112 Rejections**

**Claim 17**

The Examiner asserts that the recitation of “the maximum data throughput” is unclear. Applicants have adopted the Examiner’s suggested amendments to claim 17 to better clarify the claimed subject matter. Accordingly, Applicants request withdrawal of the rejection thereto.

**Claims 18-19**

The Examiner asserts that the recitation of “data storage” lacks antecedent basis.

Claims 18 and 19 have been amended to better clarify the claimed subject matter. Claims 18 and 19 now recite “data storage of connection parameters which identify the standard with which a usable connection option is found.” Support can be found, for example, in paragraph [0018] of the Specification. Accordingly, Applicants request withdrawal of the rejections to claims 18 and 19.

**Claim 21**

The Examiner asserts that the recitation of “the same access point” lacks antecedent basis. The Examiner further asserts that claim 21 does not distinctly claim “how the mobile station logs off the current access point which is carrying out the identification process before the identification is carried out.”

Claim 21 has been amended to correct in inadvertent translation from German to English and to better clarify the claimed subject matter. Support for the amendment can be found in, for example, paragraph [0048] of the specification. Accordingly, Applicants request withdrawal of the rejection to claim 21.

### **Claim 22**

The Examiner asserts that the recitations of "the data storage" and "updating processes" lack antecedent bases. The Examiner further asserts that it is unclear what "other processes" refers to.

Claim 22 has been amended to better clarify the claimed subject matter. Claim 22 now recites “data storage of connection parameters which identify the standard with which a usable connection option is found”, “updating processes of said connection parameters,” and “processes other than said identification, storage and/or updating processes.” Support for the amendments can be found, for example, in paragraphs [0018] and [0029]-[0031] of the specification. Accordingly, Applicants request withdrawal of the rejections to claim 22.

### **Claim 23**

The Examiner asserts that the recitation of "updating connection option processes" lacks antecedent basis.

Claim 23 has been amended to better clarify the claimed subject matter. Claim 23 now recites “updating processes of said connection parameters.” Support for the amendment can be

found, for example, in paragraphs [0029]-[0031] of the specification. Accordingly, Applicants request withdrawal of the rejection to claim 23.

**Claim 25**

The Examiner asserts that the recitation of “a data transmission pause” is unclear.

“If upon review of a claim in its entirety, the examiner concludes that a rejection under 35 U.S.C. 112, second paragraph, is appropriate, such a rejection should be made and an analysis as to why the phrase(s) used in the claim is ‘vague and indefinite’ should be included in the Office action.” MPEP § 2173.02 (emphasis added).

Applicants regret that they are unable to fully respond to the rejection. Applicants fail to understand the Examiner’s assertion of lack of clarity and request the Examiner to elaborate more fully so that Applicants may appropriately respond to the rejection.

Applicants respectfully submit that the recitation is clear from the ordinary meaning of “data transmission” and “pause.” Applicants also submit that one of skill in the art would readily understand the recitation. Nevertheless, Applicants also direct the Examiners attention to Specification paragraphs [0035] and [0036] which provide an exemplary descriptive subject matter. Accordingly, Applicants request withdrawal of the rejection to claim 25.

**Claim 26**

The Examiner asserts that the recitations of "the stored data" and "another identification process" lack antecedent bases. The Examiner further asserts that the recitation of "better transmission quality" is indefinite because it is a relative term.

Claim 26 has been amended to better clarify the claimed subject matter. Claim 26 now recites “data storage of connection parameters which identify the standard with which a usable connection option is found” and “after a further identification process.”

Applicants submit that the term “better transmission quality” is in fact definite.

Applicants respectfully submit that the recitation is clear from the ordinary meaning of “better” and “transmission quality.” Applicants also submit that one of skill in the art would readily understand the recitation. Nevertheless, Applicants also direct the Examiner to the following paragraphs of the Specification which provide exemplary descriptive subject matter:

The data which is stored during the search for connection options offers the capability to carry out an assessment, for example, with regard to the transmission speed of the standard that has been found. During the assessment process, the effectively achievable data rate can also be taken into account, or what useful data can still be transmitted after subtraction of the preamble, header and CRC data in a WLAN packet. A further option is to assess the signal strength, since this makes it possible to deduce the probability of a data transmission with errors and the effective data rate to be expected, bearing in mind the necessity to retransmit the incorrectly transmitted packet.

Para. [0020].

A subsequent identification process overwrites or updates the stored data. Periodic identification of the connection options in conjunction with the storage of the data makes it possible to change to another access point within or outside the most recently used standard in the event of a deterioration in the transmission quality or a connection failure to the current access point, without the complexity of carrying out another identification process.

Para. [0032].

A further method for production of a connection is known from the field of wireless telephony. According to the DECT Standard, a mobile appliance checks all the possible transmission channels within the standard, and then selects the channel with the best reception result for setting up a connection. This method reduces the susceptibility of the transmission to interference, and at the same time improves the speech quality. This standard supports single-cell

Para. [0006].

The mobile station has a scanner unit for searching for available access points. The search is carried out in such a way that, for example, the connection quality is tested and the result of this test is used to make a decision as to whether the connection quality is

above a predetermined threshold value. If the connection quality is below the threshold value, a scanning process is carried out with the aim of finding one or more available access points with better connection quality.

Para. [0010].

The quality of the existing connection may change as a result of a change in the position of the mobile station with respect to the current access point and/or as a result of interference. Since, however, the aim is to provide a reliable connection to the communication network for the user of the mobile station, it is necessary to end the connection to the current access point, and to set up a connection to a new access point.

Para. [0024].

This means that up to date data relating to identified connection options is always available, even if the position of the mobile station changes or in the event of interference. This data is assessed using predetermined parameters, and is compared with the connection to the current access point. If, for example, the mobile station finds that an access point with a higher data transmission rate or a better quality can now be accessed, the mobile station changes to another access point automatically, or after a check, during operation.

Para. [0043].

Accordingly, Applicants request withdrawal of the rejection to claim 26.

### **Claim 27**

The Examiner asserts that the recitations of “switching to different standards and frequency bands” and “a processor” lack antecedent basis.

Claim 27 has been amended to better clarify the claimed subject matter. Claim 27 now recites “...further comprising: switching to a different standard and to different frequency bands, wherein said switching...” and “the processor automatically performing said identification processes which identify usable connection options.” Support can be found, for example, in paragraphs [0024] and [0039] of the Specification. Accordingly, Applicants request withdrawal of the rejections to claim 27.

**Claim 28**

The Examiner asserts that it is unclear what the recitation of “other connection options” refers to. The Examiner further asserts that claim 28 does not particularly point out and distinctly claim “a periodic comparison between the connection parameters to the current access point and other connection options.”

Claim 28 has been amended to better clarify the claimed subject matter. Claim 28 now recites “connection parameters to access points other than the current access point.” Support can be found, for example, in paragraphs [0042]-[0043] of the Specification. Accordingly, Applicants request withdrawal of the rejections to claim 28.

**35 U.S.C. § 103(a) Rejections**

**Claim 14**

Amended claim 14 is directed to a method for production of a connection between a mobile station and a communication network, the mobile station performing the steps including:  
automatically performing identification processes which identify usable connection options to different networks having different standards and frequency bands, wherein a first standard is selected and a check is carried out of the usable connection options within this first standard, then a next standard is selected and a check is carried out of the usable connection options within this next standard, and wherein connection parameters which identify the standard with which a usable connection option is found are stored;  
selecting a usable connection option; and  
setting up a connection from the mobile station to the network via an access point after selection of connection parameters, wherein the connection is set up by the mobile station to the

access point which is being communicated to via the standard for which the usable connection option has been selected.

*Lescuyer* fails to teach or suggest the method for production of a connection as recited in amended claim 14.

*Lescuyer* is directed to methods and apparatus for the integration of differing mobile telecommunications systems, in particular for detecting, monitoring and accessing radio access networks with a variety of Radio Access Technologies. *Lescuyer*, Para [0001]. *Lescuyer* describes a centralized network arrangement in which a centralized entity (first network) satisfies quality of service requests from mobile terminals by redirecting network traffic through an alternative network. *Id.* Para. [0013]. by way of a centralized, common node, traffic is redirected to the alternative network. *Id.*

*Lescuyer* fails to teach or suggest “the mobile station performing the steps comprising...selecting a usable connection option” as contemplated by amended claim 14. In contrast, *Lescuyer* describes the centralized network entity (first network) making the final decision of which alternative network to switch to. *Id.* (“the first network deciding in response to the report and the request which of the radio networks detected by the scan of the mobile terminal is suitable for the requested service”). *See also Id.* Para. [0035].

Similarly, *Lescuyer* fails to teach or suggest “the mobile station performing the steps comprising...selection of connection parameters, wherein the connection is set up by the mobile station to the access point which is being communicated to via the standard for which the usable connection option has been selected” as contemplated by amended claim 14. Instead, *Lescuyer* describes the new connection set up by the centralized first network and the common node. *Id.*

Para. [0013] (“the first radio network requesting the common node to redirect at least a part of the communication to the second network”).

Accordingly, nothing in *Lescuyer*, either alone or in combination, teaches or suggests the method for production of a connection as recited in amended claim 14. Therefore, Applicants request withdrawal of the rejections thereto.

**Claims 15-28**

Because of their dependency from claim 14, claims 15-28 define over *Lescuyer* at least for the same reasons as claim 14. Applicants request withdrawal of the rejections thereto.

Conclusion

Applicants respectfully submit that this application is now in condition for allowance.

Reconsideration and prompt allowance of which are respectfully requested.

Applicants request that the Examiner kindly contact the undersigned attorney by telephone for discussion in case there are any remaining issues that need to be resolved.

Applicants do not believe that any fee is due in connection with filing this response other than the extension fee identified above. Should any additional fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit any overpayments made, to Deposit Account 02-4377.

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Respectfully submitted,  
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